

Amendments to the Drawings

Replacement sheets for sheets 1/10, 2/10, 3/10, 4/10, 7/10 and 9/10 are enclosed.

REMARKS

Claim 1 has been amended so as to clearly distinguish over Felix. Support is provided by page 12 lines 22 to 27 of the present application which indicates that the paths are permitted to cross. In other words, the set of nodes sent to one user terminal is permitted to have a member in common with a set of nodes sent to another user terminal. Significantly, this mitigates the channel code shortage problem in the downlink by taking advantage of the practical reality that users do not operate using their maximum data rates at all times.

This feature of claim 1 that “a set of nodes for a first user has a member in common with a set of nodes for a second user such that their respective paths cross” is not disclosed nor suggested by Felix. Felix instead relates to users being given distinct non-overlapping code branches, see e.g. Felix column 5 lines 11 to 17.

Dependent claims 2 to 5 are patentable not least on the basis that they each depend upon an amended allowable claim 1.

In view of the above, applicants respectfully request reconsideration and allowance. In the event of any fees inadvertently omitted or any improper payment of fees, the Commissioner is hereby authorized to charge or credit Lucent Technologies Deposit Account No.12-2325 to correct the error now or during the pendency of this application.

If the Examiner has any questions or feels that a telephone conversation would be helpful,
please contact Julio Garceran at (908) 582-7294.

Respectfully submitted,
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